

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RUFUS L. SPEARMAN,

Plaintiff,

Case No. 2:15-cv-15

v.

HON. ROBERT HOLMES BELL

D. GERTH et al.,

Defendants.

ORDER

In accordance with the opinion issued on this date,

IT IS HEREBY ORDERED that the Magistrate Judge's April 29, 2016 Report and Recommendation (ECF No. 102) is **APPROVED and ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's objections to the Report and Recommendation (ECF No. 106) are **OVERRULED**.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment based solely on a failure to exhaust administrative remedies (ECF No. 42) is **GRANTED**. Defendants Gerth, Young, Schertz, Thoma, Henley, and Miles will be **DISMISSED** for lack of exhaustion.

IT IS FURTHER ORDERED that Plaintiff's motion for sanctions (ECF No. 95) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's motion for temporary restraining order (ECF No. 92) is **DENIED**.

Dated: August 4, 2016

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE